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finds some measure of creative activity in its power to add to the unconscious observance of a habit the consciousness of its utility and to develop out of legislative enactments a logical unity not inhering in the varied and possibly conflicting statutes. The basis for the obligatory character of legislation is found in the fact that it is set up by organs of power which can constrain individuals by force to submission. Yet custom is deemed capable of being law in spite of a legislative prohibition to the contrary,—but this, only where the opinion that the legislation is unjust is shared by everybody, *including the tribunals*.

So in effect the author puts himself in accord with that definition of law as the rules enforced in courts of justice. In spite of occasional leanings towards historical and metaphysical theories, he is more closely akin to the analytical jurists than he seems willing to confess. The work is to be commended for its critical review of the salient doctrines of continental, and more especially, German jurists, its masterly annihilation of the *Naturrecht* theories, and its crispness of diction and clarity of thought which render it free from the tediousness of most philosophical expositions of law.

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**Tolman, W. H.** *Social Engineering*. Pp. viii, 384. Price, \$2.00 net. New York: McGraw-Hill Book Company, 1909.

Were it not for the sub-title of this book, "A record of things done by American industrialists employing upwards of one and one-half million of people," one might easily be misled as to its contents. The work is not a survey of the social field with a view to the establishment of certain changes of structure which would naturally be the function of the social engineer. On the contrary, it is a cyclopedia of those isolated, detached and somewhat miscellaneous efforts of large employers individually to better the conditions of their own groups of employees, without regard to the conditions of others. To this spirit of co-operation of employers and employees the author has given the name *mutuality*.

To illustrate what may be accomplished by this method he has collected a large mass of useful information which is alike valuable to the industrialist and to the student. He illustrates the value of making experiences rather than theories the basis of reforms. He shows that practical sagacity does not wait to begin the task of social betterment until a universal scheme has been devised by which all maladjustments may be at once corrected. His optimistic conclusion, is that *mutuality* as exemplified in his numerous illustrations amply repays the employer for all its costs and pioneers the way for a gigantic scheme of social engineering which will ultimately include in its benefits all the other millions employed in social production.

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